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INTERNATIONAL PRELIMINARY EXAMINATION REPORT  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference RHP/24280.WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/GB 03/03417	International filing date (day/month/year) 05.08.2003	Priority date (day/month/year) 08.11.2002
International Patent Classification (IPC) or both national classification and IPC B65D17/28		
Applicant YAFFE, Adam Richard et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.
- ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
- These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
- I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  08.06.2004	Date of completion of this report  09.02.2005
Name and mailing address of the international preliminary examining authority:   European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized Officer  Rodriguez Gombau, F Telephone No. +49 89 2399-6046 

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. PCT/GB 03/03417

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-6 as originally filed

**Claims, Numbers**

1-7 filed with telefax on 04.01.2005

**Drawings, Sheets**

1/3-3/3 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
- ☐ the claims, Nos.:
- ☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).  
*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

**1. Statement**

Novelty (N)	Yes: Claims	
	No: Claims	1-4,6
Inventive step (IS)	Yes: Claims	
	No: Claims	1-4,6
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations  
**see separate sheet**

**Re Item V**

1. Reference is made to the following documents:

D1: WO 99/65780 A (MARTIN) 23 December 1999 (1999-12-23)

D2: WO 00/01587 A (B.F. ELETROMECCANICA) 13 January 2000 (2000-01-13)

2. Document D1, which is considered to represent the most relevant state of the art, discloses (the references in parentheses applying to this document) :

"A container (cf. fig. 4 element 2) having an opening mechanism for opening at least a part of the container to allow access to the contents thereof, said opening mechanism comprising an opening member (cf. fig. 4 element 1) moveable by the user into a position where it is urged against at least a part (cf. fig. 4 element 6) of the container, said urging causing said part (cf. fig. 4 element 6) to be separated from remaining container material to form an aperture through which the contents of the container can be accessed (cf. page 9 lines 14-19) wherein said opening member is further moveable after the container has been opened, into a position where it engages with a shaped member (cf. fig. 14 element 5) projecting from a surface of the top of the container which member acts to urge (cf. page 9 lines 24-34 and figures 4 and 10) at least part of the opening member (cf. figures 4 and 10 elements 1 and 18) into sealing contact with the aperture."

The subject-matter of claim 1 is therefore not novel (Article 33(2) PCT).

Furthermore, document D2 also discloses a container as defined in claim 1.

- 2.1 Dependent claims 2-4 and 6 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty, the reasons being as follows:

i) The additional features of claim 2 are already disclosed by documents D1 (see figs. 4, 8 and page 10 lines 10-17) and D2 (see fig. 1 and page 3 lines 7-11).

ii) The additional features of claim 3 are already disclosed by documents D1 (see fig. 4 element 17) and D2 (see fig. 1 element 6).

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- iii) The additional features of claim 4 are already disclosed by documents D1 (see page 9 lines 17-19) and D2 (see page 2 lines 23-25).
- iv) The additional features of claim 6 are already disclosed by document D1 (see fig. 4 elements 16 and 17).
- 3. The combination of the features of dependent claims 5 and 7 is neither known from, nor rendered obvious by, the available prior art.

**Further observations**

- 4. Independent claim 1 is not in the two-part form in accordance with Rule 6.3(b) PCT, which in the present case would be appropriate, with those features known in combination from the prior art (document D1) being placed in the preamble (Rule 6.3(b)(i) PCT) and with the remaining features being included in the characterising part (Rule 6.3(b)(ii) PCT).
- 5. Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the documents D1 and D2 is not mentioned in the description, nor are these documents identified therein.
- 6. The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

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**CLAIMS**

1. A container having an opening mechanism for opening at least a part of  
the container to allow access to the contents thereof, said opening  
mechanism comprising an opening member moveable by the user into  
5 a position where it is urged against at least a part of the container, said  
urging causing said part to be separated from remaining container  
material to form an aperture through which the contents of the  
container can be accessed wherein said opening member is further  
moveable after the container has been opened, into a position where it  
10 engages with a shaped member projecting from a surface of the top of  
the container which member acts to urge at least a part of the opening  
member into sealing contact with the aperture
2. A container according to Claim 1, wherein the opening mechanism  
comprises a ring pull mechanism.
- 15 3. A container according to Claim 1 or Claim 2, wherein the opening  
mechanism comprises a part adapted for a finger grip for gripping by a  
user during operation.
4. A container according to any one of Claims 1 to 3, wherein said at least  
a part of the container which is separated, in use, is an area defined by  
20 a line of weakness in the container material.
5. A container according to any one of Claims 1 to 4, wherein said shaped  
member is formed with at least one ramp surface up which a part of the  
opening member can be moved when moving into a closed position.

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6. A container according to any one of Claims 1 to 5, wherein said opening member has at least a part thereof shaped so as to define an elongate tongue which facilitates gripping of the member by a user.
7. A container according to Claim 6, wherein the elongate tongue, when lifted by a user, exerts a lever action about a point between its ends, which acts to urge a part of the opening member into sealing engagement with the dispense aperture.